



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, July 17, 2012 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building
MINUTES APPROVED:	September 18, 2012

Members Present

William Diveley, Chair, Professional Member
Richard Wheeler, Public Member
Frank Long, Public Member
Ronald Mandato, Vice Chair, Professional Member
Gary V. Parker, Professional Member
Frank Smith, Public Member
Yvonne Rickards, Public Banking Member
Georgianna Trietley, Professional Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Nicole Williams, Administrative Specialist II
Sheryl Paquette, Administrative Specialist III

Members Absent

Brad Levering, Professional Member

Others Present

None

Call to Order

Mr. Diveley called the meeting to order at 9:36 a.m.

Review and Approval of Minutes

The Council tabled the review of the minutes from the June meeting for further clarification for amended sections of the minutes.

Rules and Regulations Hearing

See attached minutes below.

Unfinished Business

Status of Complaint: 19-06-10

Mr. Diveley stated that the complaint has been forwarded to Attorney General's Office for review.

Status of Complaint: 19-01-12

Mr. Diveley stated that the complaint has been forwarded to Attorney General's Office for review.

New Business

New Complaints

19-09-12 – Complaint assigned to Mr. Mandato.

19-10-12 – Complaint assigned to Ms. Trietley.

Review of Re-Application Letter for Andrew Smith, Expired CGRPA 1999

The Council moved on to the next agenda items to allow Ms. Williams time to provide the Council with a copy of the letter from Mr. Smith.

The Council reviewed Mr. Smith's documentation. Ms. Davis-Oliva clarified that his license is not inactive as it expired as of 1999. Mr. Levering advised that Mr. Smith will need to start from the beginning by providing an experience log and the remaining requirements of education and take the Certified General exam. The Council took a five minute break at 10:42 a.m.

The Council reconvened at 10:53 p.m. Ms. Williams stated for the Council that Mr. Smith's situation is that he has the experience which was completed to originally get licensed in 1991 and needs to retake the Certified General exam and the additional qualifying education. The Council further discussed. Mr. Levering made a motion to approve Mr. Smith to sit for Certified General exam after he has taken and submitted proof of completion of the 2012-2013 15-hour National USPAP course with exam. The Council determined that Mr. Smith needs to submit additional information before he can be approved to sit for the exam. Mr. Levering withdrew his motion. The Council determined to send a response letter to Mr. Smith stating that he must submit a log of experience hours and complete the 15-Hour National USPAP course with exam.

Ratification of Issued Licenses

Mr. Parker made a motion to ratify the list of licenses issued, seconded by Mr. Mandato. Motion carried unanimously.

Benjamin Bauer, Trainee: Supervisor – William R. McCain, CGRPA
Kenneth Brown, Trainee: Supervisor – Carrie Brown, CRRPA
Dennis Romagnano, MD, VA, DC – CRRPA
Richard Davis, MD – CRRPA
Brad Harley, PA – CRRPA
Jerrold McCarron, NJ, PA – CGRPA
Harry Kimball, Jr., MD - CGRPA

Ratification of Approved Continuing Education Activities

Ms. Trietley made a motion to ratify the approved education activities listing, seconded by Ms. Rickards. Motion carried unanimously.

Review of Temp Applications for discussion only

Mr. Diveley read the list of names approved for temporary permits. There was no discussion by the Council.

Discussion on Updated Legislation from Rep Briggs-King

The Council reviewed the bill submitted by Representative Briggs-King. Mr. Diveley stated that this bill removes the authority of the Council to regulate assessors. Mr. Mandato stated that Mr. Parker developed a letter of response to the bill on behalf of the Council. Mr. Parker drafted a response letter for the Council to review. Mr. Parker will forward the letter to Ms. Davis-Oliva for her review and final proofing. Mr. Levering addressed the Council regarding the letter that Mr. Paul Clark sent to Director Collins. Ms. Warren stated that Mr. Collins requested feedback regarding a response to Mr. Clark. The Council determined to send a response letter to Mr. Clark signed by the Council Chair person. Ms. Davis-Oliva reiterated that the argument that the assessors have made in that the Council cannot hold them to the standards of USPAP because Standards 1 and 2 are not what the assessors do; however the Council's response is that correct the assessors do not perform Standards 1 and 2 of USPAP rather for mass appraisals they would only be held accountable to Standard 6 of USPAP. Ms. Davis-Oliva inquired if the Council would be open to representing that they will clarify the regulation so that rather than it stating that assessors will be held to the USPAP standards, it would state that they would be held to the USPAP Standard 6. Ms. Trietley agreed with Ms. Davis-Oliva's suggestion. Mr. Diveley rebutted that there should not be any limitations to USPAP as it could cause future limitations. Mr. Mandato stated that Standards 1 and 2 are very important in USPAP as they cover accuracy and reporting.

Mr. Parker stated that the protocol for assessments is mass appraisal Standard 6 unless there is a property that does not fit the universal mass appraisal model such as a nuclear power plant. That type of property assessment would have to be valued based on Standards 1 and 2. He further stated that if the Council limited the Standards of USPAP then that would constrict the assessors to not be able to assess the type of property like a nuclear power plant and would have to hire an outside contractor. The Council does not want to constrain the assessors to that point as they would not have the budget for obtaining outside contractors. Ms. Trietley concurred and added that budgets get cut and then training gets cut as well.

Mr. Diveley requested clarification that the Bill is stating that the assessors would not be regulated. Ms. Davis-Oliva responded that was correct and that the Council does not have a plan of action if the bill was to get passed. Mr. Parker stated that essentially this bill would be inactivating a requirement developed by the Federal government over 20 years ago that has been repeatedly deferred over the years since 1990. Mr. Levering stated that from his understanding the assessors' primary argument is reassessment and that the Council is enacting these regulations with an expectation that there will be a reassessment completed. Mr. Levering clarified for the record that the regulations are not based on any reassessment and the reassessment has nothing to do with what the Council is proposing. Mr. Diveley stated that the assessors' argument is that the regulations the Council has established for them to follow will require a reassessment. Mr. Mandato stated that at the hearing for the proposed regulations the Council stated that no reassessment would have to be done.

Ms. Warren stated that the old bill is on Sunset Committee agenda for Wednesday the 16th of May at 4:15 p.m. Ms. Warren stated that the old bill was stricken and the new bill, HB 336, was reintroduced. The Council discussed who will attend the Sunset Committee meeting scheduled for tomorrow, the 16th. Mr. Diveley suggested to have Mr. Collins just read a letter from the Council on their behalf. Ms. Warren stated that it would be best to have a Council member present to represent their standpoint. The Sunset Committee meeting will be at Legislative Hall at 4:15 p.m. Ms. Davis-Oliva stated clarified that the Council needs to decide if they want to take an official position as a Council and also to address the factual inaccuracies in the proposed bill in a written letter to Mr. Collins. The Council's position last year was to oppose the

assessor's bill to remain unregulated. Mr. Levering stated to take that same position this year. Mr. Parker concurred and added that Council is now in a better situation to sustain their position since there is an assessor on the Council. Ms. Davis-Oliva stated to also include that in their letter. Ms. Trietley stated that she understands the Council's position and that the assessors are saying they are not opposed to the education but took offense as they felt they were not included in writing the regulations. Ms. Trietley stated that since she is not versed well on either side that she feels it is best if she not took a position one way or the other. Mr. Diveley stated that the Council was very adamant in including the assessors in all subcommittee meetings and regular Council meetings in following the demands of the Sunset Committee. Ms. Trietley stated that it needs to be emphasized that it was the Sunset committee that made this law, not the Council. Mr. Wheeler suggested to not involve Ms. Trietley in the Council's official position. Mr. Levering said to make it clear that both the Council and the assessors knew about this law and neither party acted upon the law for over 20 years until the Council as per the Sunset Committee enforced that the Council has to begin working on regulations for licensing assessors. The assessors were made aware of every meeting the Council held regarding the development of these regulations. Mr. Parker stated that the Council needs to notify Phil McGinnis, Scott Kidner, Chuck Brown with the Appraisal Institute, and Doug Nickel with Delaware Association of Appraisers, about the assessor bill and to have representation at the meeting tomorrow. He further reiterated that the Council does need to again stand by their original position to oppose this House Bill being presented and giving the reasons to the Council's opposition in the letter to Mr. Collins.

Mr. Levering stated that he will not able to attend the Sunset Committee meeting tomorrow due to a prior appointment and strongly urged someone from the Council to attend. Mr. Parker and Mr. Diveley stated that they will check their schedules and make an attempt to attend. Ms. Warren requested Ms. Williams to contact the appropriate parties stated by Mr. Parker. Ms. Warren inquired if any surrounding states regulate assessors. Ms. Davis-Oliva responded that they do, however those States have more routine property reassessments. She stated that the assessors argue that although surrounding states regulate assessors they are under a different situation that the State of Delaware as DE has not done a reassessment since 1981, 88, which is the most current reassessment.

Mr. Diveley stated to definitely focus on the facts within the letter and make it clear that the regulations are a result of the Sunset Committee not the Council. Mr. Parker made a motion that the Council forward their response letter to Mr. Clark on to Mr. Collins emphasizing the facts of the rules and regulations adopted by the Council with the Council's opposition to HB336 and that the Council is moving forward with the process of developing applications and log forms for assessors to apply for licensure, seconded by Mr. Wheeler, Ms. Trietley abstained. The motion carried by majority vote.

Ms. Warren exited the meeting at 10:21 a.m. The Council moved back to agenda item 3.1 for discussion on the language regarding inactivation and reactivation in the regulations.

Other Business before the Council (for discussion only)

There was no other business before the Council.

Public Comment

There was no public comment at this meeting.

Next Meeting

The next meeting is scheduled for September 18, 2012 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Parker made a motion, seconded by Ms. Trietley to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 11:29 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.